IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 992 OF 2007
IN
CRIMINAL APPEAL NO. 808 OF 2007

Anant Damodar Patil ..Applicant

Vs.

State of Maharashtra
(Through ACB, Thane) ..Respondent

Mr. V.N. Shingnapurkar for applicant.
Mr. S.R. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 18, 2007.

P.C.:

1. Heard Mr. Shingnapurkar the learned counsel for the applicant who prays for being released on bail during the pendency of Criminal Appeal No. 808 of 2007.

2. At the relevant time the applicant was a public servant occupying the post of Deputy Registrar in the Registrar's Office, Vasai and he has been convicted and sentenced for the offence punishable under Section 7 as well as 13(2) of the Prevention of

Corruption Act, 1988. He has been sentenced to suffer RI for one year for the offence punishable under Section 13(2) and SI for six months for the offence punishable under Section 7 of the said Act. Criminal Appeal No. 808 of 2007 has been admitted by this court on 31/8/2007.

3. By now the applicant is no more in the Government service and he has attained the age of 62 years. Though he was on bail during the trial, on perusal of the order of conviction and sentence as well as the depositions of the complainant PW 1 - Vini Apolin Saldhana, PW 2 - Raman Mukund Chaudhary and PW 3 - Jayshree Jaywant Harmalkar as well as the sole witness examined by the defence DW 1 - Shri Gajanan Mayekar, I am satisfied that the trap laid between 3.00 p.m. to 3.30 p.m. on 23/3/2000 was prima facie proved. In defence the explanation given was that the amount of Rs.400/- which was alleged to be the bribe money was towards the flag day collection and in support of these contentions DW 1 was examined. In my prima facie view the depositions of DW 1 do not support the plea that the amount of Rs.400/- collected

was towards flag day collection.

4. An offence under the Prevention of Corruption Act is not limited and need not be seen only an act of illegal gratification but in deed a social offence against the State governance in a democratic society and, therefore, even if the applicant has been sentenced to suffer RI for one year, I am not inclined to release him on bail by suspending the sentence under Section 389 of Cr.P.C.

5. Hence, the application is rejected. The learned Counsel for the applicant is at liberty to submit a private paper book which could be certified by the Registry and immediately thereafter he is at liberty to apply for fixing the appeal for final hearing.

6. Mr. Shingnapurkar the learned counsel for the applicant submitted an oral application to suspend this order for few weeks. The application is hereby rejected.

(B.H. Marlapalle,J.)